

District Judge James L. Robart

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SEA SHEPHERD LEGAL,

Plaintiff,

v.

NATIONAL OCEANIC AND
ATMOSPHERIC ADMINISTRATION, *et*
al.,

Defendants.

Case No. C20-1412 JLR

JOINT STATUS REPORT AND
ORDER

Noted for Consideration:
January 22, 2021

Plaintiff SEA SHEPHERD LEGAL (“Plaintiff”) filed the above-captioned lawsuit under the Freedom of Information Act (“FOIA”) against Defendants NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION and NATIONAL MARINE FISHERIES SERVICES (collectively, “Defendants”), seeking disclosure of certain documents. *Sea Shepherd Legal v. NOAA, et al.*, 19-cv-463-JLR is a related case before the Court. By minute order dated October 24, 2020, the Court granted the parties’ stipulated request for vacation of the Rule 26 deadlines (Dkt. No. 15) and submission of a joint status report within 60 days. *See* Dkt. No. 17. Pursuant to the Court’s order, the parties now submit this joint status report.

On December 20, 2020, Defendants notified Plaintiff that they intended to produce the first batch of records by the end of January 2021. However, Defendants asked Plaintiff whether it would agree to eliminate certain categories of records from the production to speed up the records processing. Defendants asserted that these records were generated in connection with *Sea Shepherd New Zealand v. Wilbur Ross*, No. 1:20-cv-00112-GSK (Ct. Int'l Trade May 21, 2020) and that their content fell within the attorney-client privilege or attorney-work product doctrine. Defendants further asked Plaintiff if it would agree to remove records that Defendants contend fall within Exemption 5 to FOIA.

Plaintiff presently disagrees with Defendants' proposed document withholdings (as described above) and intends to discuss possible solutions with Defendants, including the production of a *Vaughn* index in an attempt to avoid motion practice. Accordingly, the parties respectfully request that they be permitted to file a joint status report within the next 60 days. If at any time in the next 60 days it becomes apparent that resolution between the parties is not feasible, they will submit a joint briefing schedule to the Court.

Dated this 22nd day of January 2021.

s/ Brett W. Sommermeyer
BRETT W. SOMMERMEYER, WSBA # 30003

s/ Catherine E. Pruett
CATHERINE E. PRUETT, WA BAR # 35140

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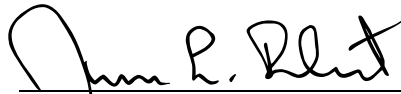
8 Email: michelle.lambert@usdoj.gov

9 *Attorneys for Defendants*

ORDER

Having reviewed the parties' stipulated motion, the Court finds good cause shown for the parties to continue working towards a resolution of this matter. The parties shall submit a joint status report to the Court on or before March 23, 2021.

Dated this 26th day of January 2021.

A handwritten signature in black ink, appearing to read "James L. Robart", written over a horizontal line.

JAMES L. ROBART
United States District Judge